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Action by D. G. Aronberg against J. Leon Wood and another, partners doing business as J. Leon Wood & Co. Judgment for plaintiff after a verdict for defendants had been set aside, and defendants bring error. Reversed, and judgment entered on the verdict.

*E. A. Bilisoly*, of Norfolk, *Geo. S. Martin* and *R. W. Shultice*, of Norfolk, for plaintiffs in error.

*Williams, Loyall & Tunstall*, of Norfolk, for defendant in error.

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POLLARD *v.* COMMONWEALTH.

Jan. 19, 1922.

[110 S. E. 354.]

**1. Indictment and Information (§ 125 (1)\*)—Prohibition Act, Permitting a Number of Violations to Be Charged in One Count, Valid.**—Prohibition Act, § 7, permitting a number of violations of such act to be charged in a single count in the manner thereby prescribed, is valid.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 441.]

**2. Intoxicating Liquors (§§ 13, 132\*)—Part of State Prohibition Act against Importation Not Nullified by Eighteenth Amendment or Volstead Act.**—Prohibition Act, § 39, forbidding the importation of ardent spirits into the state from a point without, is not nullified by Const. U. S. Amend. 18, or the Volstead Act; the provision of the Webb-Kenyon Act (U. S. Comp. St. § 8739), which under the commerce clause empowered such inhibition by the state, being left in force by the Volstead Act, and section 35 repealing acts only so far as inconsistent therewith.

Error to Corporation Court of Norfolk.

James E. Pollard was convicted of a violation of the Prohibition Act, and he brings error. Affirmed.

*N. T. Green*, of Norfolk, for plaintiff in error.

*Jno. R. Saunders*, *Atty. Gen.*, *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, and *Leon M. Bazile*, *Second Asst. Atty. Gen.*, for the Commonwealth.

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DAVIS *v.* COMMONWEALTH.

Jan. 19, 1922.

[110 S. E. 356.]

**1. Burglary (§ 9 (1)\*)—"Actual Breaking" and "Constructive Breaking" Defined.**—Breaking, as an element of the crime of burglary,

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.